CONDITIONS - EXHIBIT B
Lot Line Adjustment COAL14-0047/SUB2013-0071 (Obispo 400 LLC)

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance.

2. If a parcel map is filed, it shall show:
   a. All public utility easements.
   b. All approved street names.
   c. A tax certificate.

3. Any private easements described in the title report must be shown on the parcel map, with recording data.

4. When the parcel map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.

5. All conditions of approval herein specified are to be complied with prior to the recordation of the parcel map or certificates of compliance which effectuate the adjustment. Recordation of a parcel map is at the option of the applicant. However, if a parcel map is not filed, recordation of a certificate of compliance is mandatory.

6. The parcel map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.

7. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.

8. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.

9. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the parcel map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.

10. All approval timeframes for lot line adjustments are measured from the date the Review Authority approves the lot line adjustment, not from the date a time extension request may be acted on.

11. All new parcels shall be provided with a minimum 20-foot wide private access easement to a public road. Additional easement width shall be provided as necessary to contain all elements of the private access roadway prism. The easements may be created by parcel map, grant deed, or restrictive covenant.

12. Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:

Aesthetics

a. **Prior to issuance of construction permits**, the applicant shall show on construction drawings, all night lighting directed down and into the development with no direct light visible from surrounding public roads, and shall be installed as approved prior to Final Inspection or Occupancy, whichever occurs first.

Biological Resources

b. **At the time of application for construction permits**, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFG and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

c. **If** project improvements impact the tributary to Huasna Creek, or oak trees within the biological study area, then an environmental training session shall be provided to all construction personnel **prior to any site disturbance**. At a minimum, the training shall include a description of special status species that may occur onsite, their habitat requirements, and project workspace boundaries any associated sensitive habitat boundaries, measures that are required for avoidance of special-status species, and discussion of potential consequences if special status species or their habitat are impacted during construction.

d. **If** project improvements impact the tributary to Huasna Creek within the biological study area, the applicant shall retain a qualified biologist to conduct capture and relocation efforts for two-striped garter snake, **prior to issuance of construction permits**.

e. **If** project improvements impact the tributary to Huasna Creek within the biological study area, the applicant shall retain a qualified biologist to conduct a pre-construction survey to determine if California Red-Legged Frog (CRLF) occurs on the site. If the survey finds that CRLF are on-site, appropriate mitigation measures shall be developed ins consultation with CDFW and USFWS, and shall be added to the project to avoid impacting the species. These measures may include limiting the timing of construction activities on the project site. These measures shall be adhered to during the entire construction process.

f. **If** project improvements impact the tributary to Huasna Creek within the biological study area, a qualified biological monitor shall be present at the work site **during all initial ground disturbance** within the tributary of Huasna Creek, within the root zone of oaks, and during any tree removal operations. The biological monitor shall have the authority to halt any action that may result in impacts to special status species or sensitive habitat. If work is stopped, the biological monitor shall immediately notify the County, who in turn may be required to notify CDFW or USFWS if a state or federally listed species or critical habitat is impacted.

g. **If** project improvements impact the tributary to Huasna Creek within the biological study area, and if environmental permits from the Army Corps of Engineers or the California Department of Fish and Wildlife are required, **prior to issuance of construction permits** the applicant shall:
   i) Submit a copy of all such permits to the Department of Planning and Building, OR
   ii) Document that the regulatory agencies have determined that said permit is not required.

h. **If** future development includes impacts to riparian habitat within the biological study area, then all riparian vegetation removed/disturbed shall be restored on a 1:1 basis. Replacement vegetation shall be native "riparian friendly" plants. **Prior to issuance of construction permits,** a revegetation plan shall be prepared by a qualified individual familiar with riparian vegetation, showing locations, amounts, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to insure successful reestablishment. Planting according to the approved revegetation plan shall be completed **prior to final inspection**. Success criteria shall be developed for use during monitoring period. Monitoring the success criteria shall be conducted for three years after initial planting. If any success criteria are not being met, the applicant shall complete the necessary remedial action as quickly as possible. Once success criteria have been met, monitoring activities are no longer required.

i. **If** future development impacts the tributary to Huasna Creek within the biological study area, then prior to any site disturbance, the applicant shall prepare a Hazardous Materials (HAZMAT) Response Plan for review and approval by the County, **prior to issuance of construction permits**, to allow for a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

j. **If** future development impacts the tributary to Huasna Creek within the biological study area, any loss of riparian trees shall be replaced at a minimum 3:1 ratio, **prior to final inspection**. Methods for riparian vegetation replacement shall be incorporated into the final Habitat Minimization and Mitigation plan (refer to k below).

k. **If** future development impacts natural communities of special concern (purple needlegrass grassland, red willow thicket, and/or valley oak woodland) within the biological study area, **prior to any site disturbance**, the applicant shall prepare

a comprehensive final Habitat Minimization and Mitigation Plan to mitigate impacts to vegetation and natural habitats. The final Habitat Minimization and Mitigation Plan shall include the specific mitigation sites along the vicinity of the Huasna riparian corridor, based on the specific mitigation acreage required by regulatory agencies during the permitting process. The Habitat Minimization and Mitigation Plan shall be consistent with federal and state regulatory requirements and shall be amended with any regulatory permit conditions, as required. The client shall implement the Habitat Minimization and Mitigation Plan as necessary during construction and immediately following project completion. To compensate for permanent impacts to onsite vegetative communities, habitat (which may include preservation areas within portions of the project site not impacted by construction or mitigation lands outside of the main project site) that contains the same quality of vegetative communities impacted by the project shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). These lands shall be located within the biological study area. Preserved or acquired mitigation land shall be monitored and maintained per the requirements set forth in the Habitat Minimization and Mitigation Plan prepared for the project. Evidence of this open space easement shall be provided to the County **prior to final inspection**. If any agricultural use is allowed (e.g., managed grazing) a qualified range scientist must determine it is compatible with the vegetative communities being preserved. No dryland grain activities shall be allowed.

l. **If** future development includes the removal of oak trees, then at the time of application for construction permits, the applicant shall submit a tree replacement plan for review and approval by the Planning and Building Department. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as the result of the development of the project, and in addition, shall provide for the planting, in kinds at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. No more than 5 oak trees having a 5 inch diameter or larger at 4 feet from the ground shall be removed as the result of development of the project, and no more than 5 trees shall be impacted, but not removed, as the result of development of the project. Replanting shall be completed as soon as it is feasible (e.g., irrigation water is available, grading done in replant area). Replant areas shall be either native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted.

All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

m.. To minimize impacts to the sensitive oak woodland understory habitat (e.g., purple needlegrass grassland), the applicant agrees to do the following **during construction activities and for the life of the project:**

i. All native vegetation removal shall be shown on all applicable grading/construction plans and reviewed by the Planning and Building Department **prior to any site disturbance**.
ii. Vegetation removal of native habitat shall be limited to what is shown on the approved plans.
iii. Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CalFire. Where feasible, all efforts shall be made to retain as much of this vegetation within the setback as possible.
iv. All allowed uses within the native habitat area shall be passive, where the use shall have either no or minimal impact on the habitat.

n. **If** future development includes the removal of oak trees within the biological study area, then **prior to any site disturbance**, orange fencing shall be installed at least 5 feet beyond the dripline of all oak trees within 50 feet of disturbance activities. Trenching within tree driplines shall be minimized.

o. **Prior to issuance of construction permits,** the applicant shall submit a sedimentation and erosion control plan for review and approval by the County Public Works Department that minimizes project sediment from reaching the creek. Best management practices shall be used to minimize sediment from reaching the closest waterways.

p. Construction activities shall be limited to the dry season (April 15th through October 15th). If construction activities cannot take place only during the dry season, a qualified biologist retained by the applicant and approved by the Department of Planning and Building, shall determine what additional erosion and sedimentation control measures are required to protect riparian resources.

Cultural Resources

q. **Prior to issuance of construction permits for the area within the proposed building area on Parcel 1 (west of the tributary of Huasna Creek)**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
i. List of personnel involved in the monitoring activities;
ii. Description of how the monitoring shall occur;
iii. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
iv. Description of what resources are expected to be encountered;
v. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
vi. Description of procedures for halting work on the site and notification procedures;
vii. Description of monitoring reporting procedures.

r. **During initial ground disturbing construction activities,** the applicant shall retain a qualified archaeologist approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be

determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Recommendations for further work, including testing and/or data recovery will be made based on the significance of the find. The need for further monitoring will be determined based on the results of the initial monitoring effort.